
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

DEMYRON BELL, Plaintiff, v. KNIGHT ADJUSTMENT BUREAU INC. and CITY CENTER CREDIT UNION, Defendants.	ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION Case No. 2:22-cv-00500-TC-JCB District Judge Tena Campbell Magistrate Judge Jared C. Bennett
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On August 3, 2022, Plaintiff Demyron Bell sued Defendant City Center Credit Union (CCCU) for violations of the Fair Credit Reporting Act.¹ On August 29, 2022, this case was referred to Magistrate Judge Jared C. Bennett under 28 U.S.C. § 636(b)(1)(B). ECF No. 6.

On November 7, 2022, Judge Bennett issued an Order to Show Cause (OSC) to Mr. Bell. ECF No. 10. The OSC noted: (a) when Mr. Bell filed his complaint, (b) Fed. R. Civ. P. 4(m)'s requirement that service of a summons and complaint must be completed within 90 days after the complaint is filed, and (c) that more than 90 days had passed since Mr. Bell's complaint was filed and he had not provided the court with the required proof of service to show a summons and the complaint had been served on CCCU. Id. Judge Bennett ordered Mr. Bell to show cause why the action against CCCU should not be dismissed for lack of prosecution and ordered Mr. Bell to file a response to the OSC by November 21, 2022, to inform the court of the status of his action

¹ Mr. Bell also sued Knight Adjustment Bureau Inc. ("KAB"), alleging it committed violations of the Fair Debt Collection Practices Act. Compl., ECF No. 1. Mr. Bell's claims against KAB were dismissed with prejudice after Mr. Bell and KAB filed a stipulation of dismissal with the court on February 27, 2023. Stip. Notice Voluntary Dismissal, ECF No. 11.

against CCCU and his intentions to proceed. Id. Judge Bennett warned Mr. Bell that if Mr. Bell failed to respond, that failure could result in dismissal of his claims against CCCU. Id.

As of March 3, 2023, Mr. Bell had not filed any response to the OSC, so Judge Bennett recommended the claims against CCCU be dismissed for lack of prosecution. R. and R., ECF No. 12 (citing DUCivR 41-2). In his Report and Recommendation (“R. and R.”), Judge Bennett noted that copies of his R. and R. were being sent to all parties, and he notified the parties of their right to object to its contents within 14 days of being served with a copy. Id. Judge Bennett warned the parties that if they failed to respond, that failure could constitute waiver of objections upon subsequent review. Id. As of March 24, 2023, neither party has filed objections to Judge Bennett’s R. and R. Mr. Bell has also not filed any response to the OSC.

Under DUCivR 41-2, “If [a] party [that has been ordered to show cause,] does not show good cause, a district judge or a magistrate judge presiding by consent may enter an order of dismissal. The dismissal may be with or without prejudice, as the court deems proper.” Mr. Bell failed to show good cause after being ordered to do so. Judge Bennett did not err in recommending dismissal.

ORDER

The court has carefully reviewed the R. and R. and the docket. It is satisfied that Judge Bennett properly applied the law in this case, and the court discerns no error. For that reason, the court ADOPTS the R. and R. (ECF No. 12) and DISMISSES the action without prejudice.

DATED this 24th day of March, 2023.

BY THE COURT:



TENA CAMPBELL
United States District Judge